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May 11, 2022

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Via Electronic Filing

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Honorable Edward S. Kiel, U.S.M.J.
United States District Court, District of New Jersey
Martin Luther King, Jr. Federal Building and Courthouse
50 Walnut Street
Newark, New Jersey 07102

**Re: GEA Mechanical Equipment US, Inc. v. Federal Insurance Company, et al.
Civil Action No. 2-20-cv-09741**

Dear Judge Kiel:

This firm represents the plaintiff, GEA Mechanical Equipment US, Inc., in the above-captioned matter. Pursuant to your Order dated March 13, 2022 (Doc. 48), the parties have met and conferred regarding the summary judgment briefing schedule and related matters and we are filing the attached proposed amended scheduling order, to which all of the parties have consented.

Should the form and substance of the proposed Order meet with the Court's approval, we respectfully request that the Court enter and file the Order.

We appreciate the Court's consideration in this matter.

Respectfully,



Donald W. Kiel

Attachment

CC (*via electronic filing*):

John Maloney; Stephen Gimigliano; Christopher Kim; Caroline McKenna; Edward Pinter

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

GEA MECHANICAL EQUIPMENT US,
INC.,

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,
FIRST STATE INSURANCE COMPANY,
HARTFORD ACCIDENT AND
INDEMNITY COMPANY, HARTFORD
FIRE INSURANCE COMPANY,
TRAVELERS CASUALTY AND SURETY
COMPANY (successor to AETNA
CASUALTY AND SURETY COMPANY),
WELLFLEET NEW YORK INSURANCE
COMPANY (successor to ATLANTA
INTERNATIONAL INSURANCE
COMPANY), CONTINENTAL
INSURANCE COMPANY, and XYZ
INSURANCE COMPANIES,

Defendants.

Civil Action No. 2:20-cv-9741-BRM-ESK

AMENDED SCHEDULING ORDER

THIS MATTER having been opened to the Court pursuant to the Court's March 13, 2022 Text Order and upon the joint application of plaintiff GEA Mechanical Equipment US, Inc. ("Plaintiff") and defendants Hartford Accident and Indemnity Company, Hartford Fire Insurance Company and First State Insurance Company, The Continental Insurance Company and Wellfleet New York Insurance Company as successor to Atlanta International Insurance Company (collectively, "Defendants") for a consent order amending the scheduling order as to dispositive motions in this action, establishing page limits for briefs in support of dispositive motions, and other related relief, and counsel for all parties having consented to the relief requested, and good cause appearing,

IT IS on this _____ day of May 2022,

ORDERED that the following amended deadlines and page limits shall apply with respect to dispositive motions and supporting materials in this matter:

- (1) Plaintiff shall serve its summary judgment motion and supporting materials on or before June 24, 2022 and its supporting brief shall be limited to forty pages;
- (2) Defendants shall serve their opposition to Plaintiff's motion for summary judgment and their cross-motion for summary judgment and supporting materials on or before August 5, 2022 and their supporting brief shall be limited to sixty pages;
- (3) Plaintiff shall serve reply papers in further support of its motion for summary judgment and in opposition to Defendants' cross-motion and supporting materials on or before September 16, 2022 and its supporting brief shall be limited to forty pages;
- (4) Defendants shall serve a reply in further support of their cross-motion for summary judgment and supporting materials on or before October 14, 2022 and their supporting brief shall be limited to twenty pages; and it is

FURTHER ORDERED that, pursuant to the Court's March 13, 2022 Text Order, and subject further to this Order, Plaintiff shall file all of the foregoing motion papers simultaneously under separate docket entries on or before October 21, 2022. Motions to seal or otherwise restrict public access shall comport with Local Rule 5.3(c), with the timing requirement of Local Rule 5.2(c)(2) being triggered by the date of Plaintiff's filing of the foregoing papers. No courtesy copies are to be filed with the Court.

FURTHER ORDERED that the parties shall cooperate amongst themselves to accommodate reasonable extensions of the foregoing deadlines. Modifications of interim service deadlines need not be reported to the Court. The parties shall meet and confer to address any requested modifications to the foregoing page limitations of briefs, which modifications must be approved by the Court.

FURTHER ORDERED that, should the parties elect to engage in further mediation during the course of briefing the parties' summary judgment motions, the above date for filing summary judgment papers with the Court may be extended, with notice to the Court and consent of all parties, pending such mediation.

FURTHER ORDERED that Plaintiff is hereby granted leave to file a third amended complaint, and Defendants are granted leave to file Answers thereto. As respects any Future Underlying Actions (as defined in the Second Amended Complaint) that are asserted on or after the date of this Amended Scheduling Order, any claims for coverage eliminated in the third amended complaint are hereby reserved and shall not be barred by the entire controversy doctrine.

Hon. Edward S. Kiel, U.S.M.J.

The undersigned hereby consent to the entry of the foregoing order.

GIMIGLIANO MAURIELLO & MALONEY
A Professional Association
Attorneys for Defendants
Hartford Accident and Indemnity Company,
Hartford Fire Insurance Company and
First State Insurance Company

K&L GATES LLP
Attorneys for Plaintiff
GEA Mechanical Equipment US, Inc.

By: /s/ John Maloney
JOHN MALONEY

By: /s/ Donald W. Kiel
DONALD W. KIEL

Dated: May 11, 2022

Dated: May 11, 2022

FORD MARRIN ESPOSITO WITMEYER
& GLESER, L.L.P.
Attorneys for Defendants
The Continental Insurance Company and
Wellfleet New York Insurance Company,
as successor to Atlanta International Insurance Company

By: /s/ Edward M. Pinter
EDWARD M. PINTER

Dated: May 11, 2022